

This listing of claims will replace all prior versions, and listings, of claims in the application:

**Listing of Claims:**

1. (Previously presented) An isolated nucleic acid molecule comprising a promoter nucleotide sequence that initiates transcription of an operably linked heterologous nucleic acid sequence in a plant cell wherein said promoter nucleotide sequence has at least 95% identity to 18 sequential nucleotides of the cassava vein mosaic virus (CsVMV) promoter shown in SEQ ID NO 3 (pA).
2. (Previously presented) The nucleic acid molecule of claim 1 which comprises a nucleic acid sequence selected from the group consisting of CVP1, CVP2, pA, pB, pC, pD, pE, pΔB, pΔC, pΔD1, pΔD2, pΔD3, pΔDE1, pΔDE2, pΔDE3 and pΔE, having the respective sequences shown in SEQ ID NOs 1, 2, 3, 4, 5, 6, 7, 9, 10, 11, 12, 13, 14, 15, 16, and 17.
3. (original) The nucleic acid molecule of claim 1 wherein said plant cell is a monocot or a dicot.
4. (original) The nucleic acid molecule of claim 1 wherein said transcription is initiated in a plant mesophyll tissue.
5. (original) The nucleic acid molecule of claim 1 wherein said transcription is initiated in a plant phloem tissue.
6. (original) The nucleic acid molecule of claim 1 wherein said transcription is initiated in a plant root tip tissue.

7. (original) The nucleic acid molecule of claim 1 wherein said molecule has a nucleotide sequence selected from the group consisting of CVP1, CVP2, pA, pB, pC, pD, pE, pΔB, pΔC, pΔD1, pΔD2, pΔD3, pΔDE1, pΔDE2, pΔDE3 and pΔE.

8. (Currently amended) A vector comprising a promoter nucleotide sequence that is capable of initiating transcription of an operably linked heterologous nucleic acid sequence in a plant cell wherein said promoter nucleotide sequence has at least 95% identity to 18 sequential nucleotides of the cassava vein mosaic virus (CsVMV) promoter shown in SEQ ID NO 3 (pA) and wherein said promoter nucleotide sequence is operatively linked to a the heterologous nucleic acid sequence.

9. (original) The vector of claim 8 wherein said promoter comprises a nucleic acid sequence according to claim 1.

Claims 10-15 (canceled)

16. (Previously presented) An isolated nucleic acid molecule, comprising: a CsVMV promoter nucleotide sequence that initiates transcription of an operably linked heterologous nucleic acid sequence in a plant cell.

17. (Previously presented) The isolated nucleic acid molecule of claim 16, wherein the CsVMV promoter nucleotide sequence comprises SEQ ID NO:3 or a fragment thereof having promoter activity.

18. (Currently amended) An The isolated nucleic acid molecule of claim 16, comprising: a CsVMV promoter nucleotide sequence that initiates transcription of an operably linked heterologous

nucleic acid sequence in a plant cell, wherein the CsVMV promoter nucleotide sequence comprises SEQ ID NO:3.

19. (withdrawn) The isolated nucleic acid molecule of claim 16, wherein the CsVMV promoter nucleotide sequence comprises CVP1.

20. (withdrawn) The isolated nucleic acid molecule of claim 16, wherein the CsVMV promoter nucleotide sequence comprises CVP2.

21. (Previously presented) The isolated nucleic acid molecule of claim 16, wherein the CsVMV promoter nucleotide sequence is selected from the group consisting essentially of pA, pB, pC, pD, and pE.

22. (withdrawn) The isolated nucleic acid molecule of claim 16, wherein the CsVMV promoter nucleotide sequence is selected from the group consisting essentially of: pΔB, pΔC, pΔD1, pΔD2, pΔD3, pΔDE1, pΔDE2, pΔDE3 and pΔE.

23. (Currently amended) An isolated polynucleotide comprising ~~promoter nucleotide sequence as set forth in~~ SEQ ID NO:3, or a fragment thereof having promoter activity.

24. (Currently amended) The polynucleotide ~~promoter nucleotide sequence~~ of claim 23, wherein the promoter activity comprises initiating transcription of an operably linked heterologous nucleic acid sequence in a plant cell.

25. (New) An isolated nucleic acid molecule comprising the polynucleotide of claim 23 operatively linked to a heterologous nucleic acid.